

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
Francis Lee Summers, III, individually and  
On behalf of all others similarly situated,

Plaintiffs,

v.

MERRILL LYNCH & CO., INC.; STAN  
O'NEAL; LOU DIMARIA; INVESTMENT  
COMMITTEE OF THE MERRILL LYNCH  
SAVINGS AND INVESTMENT PLAN;  
ADMINISTRATIVE COMMITTEE OF THE  
MERRILL LYNCH SAVINGS AND  
INVESTMENT PLAN; and JOHN DOES 1 - 30,

Defendants.  
-----X

No. 07 Civ 11615 (UA)

*[additional captions follow]*

**PLAINTIFF FRANCIS LEE SUMMERS III'S  
SUPPLEMENTAL MEMORANDUM OF LAW ON APPOINTMENT  
OF INTERIM LEAD COUNSEL FOR THE CLASS**

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& ABRAMS, LLP**

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*Counsel for Plaintiff Francis Lee Summers, III*

-----X  
 ELIZABETH ESTEY, individually and on  
 behalf of all others similarly situated,

Plaintiffs,

v.

MERRILL LYNCH & CO., INC.,  
 E. STANLEY O'NEAL, CAROL T.  
 CHRIST, ARMANDO M. CODINA,  
 VIRGIS W. COLBERT, JILL K.  
 CONWAY, ALBERTO CRIBIORE,  
 JOHN D. FINNEGAN, JUDITH  
 MAYHEW JONAS, DAVID K.  
 NEWBIGGING, AULANA L. PETERS,  
 JOSEPH W. PRUEHER, ANN N. REESE,  
 CHARLES O. ROSSOTTI, LOUIS  
 DIMARIA, PETER STINGI and JOHN  
 AND JANE DOES 1-20,

Defendants.  
 -----X

No. 07 Civ. 10268 (LBS)

MARY GIDARO, individually and on  
 behalf of all others similarly situated,

Plaintiffs,

v.

MERRILL LYNCH & CO., INC.,  
 E. STANLEY O'NEAL, CAROL T.  
 CHRIST, ARMANDO M. CODINA,  
 VIRGIS W. COLBERT, JILL K.  
 CONWAY, ALBERTO CRIBIORE,  
 JOHN D. FINNEGAN, JUDITH  
 MAYHEW JONAS, DAVID K.  
 NEWBIGGING, AULANA L. PETERS,  
 JOSEPH W. PRUEHER, ANN N. REESE,  
 CHARLES O. ROSSOTTI, LOUIS  
 DIMARIA, PETER STINGI and JOHN  
 AND JANE DOES 1-20,

Defendants.

No. 07 Civ. 10273 (LBS)

-----X  
TARA MOORE, individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

MERRILL LYNCH & CO., INC.,  
E. STANLEY O'NEAL, CAROL T  
CHRIST, ARMANDO M. CODINA,  
VIRGIS W. COLBERT, JILL K.  
CONWAY, ALBERTO CRIBIORE,  
JOHN D. FINNEGAN, JUDITH  
MAYHEW JONAS, DAVID K.  
NEWBIGGING, AULANA L. PETERS,  
JOSEPH W. PRUEHER, ANN N. REESE,  
CHARLES O. ROSSOTTI, LOUIS  
DIMARIA, PETER STINGI and JOHN  
AND JANE DOES 1-20,

Defendants.  
-----X

No. 07 Civ. 10398 (DC)

GREGORY YASHGUR, individually and  
on behalf of all others similarly situated,

Plaintiffs,

v.

MERRILL LYNCH & CO., INC.,  
E. STANLEY O'NEAL, CAROL T.  
CHRIST, ARMANDO M. CODINA,  
VIRGIS W. COLBERT, JILL K.  
CONWAY, ALBERTO CRIBIORE,  
JOHN D. FINNEGAN, JUDITH  
MAYHEW JONAS, DAVID K.  
NEWBIGGING, AULANA L. PETERS,  
JOSEPH W. PRUEHER, ANN N. REESE,  
CHARLES O. ROSSOTTI, LOUIS  
DIMARIA, PETER STINGI and JOHN  
AND JANE DOES 1-20,

Defendants.

No. 07 Civ. 10569 (JSR)

-----X  
CHRISTINE DONLON, individually and  
on behalf of all others similarly situated,

Plaintiffs,

v.

MERRILL LYNCH & CO., INC.,  
E. STANLEY O'NEAL, CAROL T.  
CHRIST, ARMANDO M. CODINA,  
VIRGIS W. COLBERT, JILL K.  
CONWAY, ALBERTO CRIBIORE,  
JOHN D. FINNEGAN, JUDITH  
MAYHEW JONAS, DAVID K.  
NEWBIGGING, AULANA L. PETERS,  
JOSEPH W. PRUEHER, ANN N. REESE,  
CHARLES O. ROSSOTTI, LOUIS  
DIMARIA, PETER STINGI and JOHN  
AND JANE DOES 1-20,

Defendants.  
-----X

No. 07 Civ. 10661(CM)

CARL ESPOSITO, individually and  
On behalf of all others similarly situated,

Plaintiffs,

v.

MERRILL LYNCH & CO., INC.,  
E. STANLEY O'NEAL, CAROL T.  
CHRIST, ARMANDO M. CODINA,  
VIRGIS W. COLBERT, JILL K.  
CONWAY, ALBERTO CRIBIORE,  
JOHN D. FINNEGAN, JUDITH  
MAYHEW JONAS, DAVID K.  
NEWBIGGING, AULANA L. PETERS,  
JOSEPH W. PRUEHER, ANN N. REESE,  
CHARLES O. ROSSOTTI, LOUIS  
DIMARIA, PETER STINGI and JOHN  
AND JANE DOES 1-20,

Defendants.

No. 07 Civ. 10687 (JGK)

-----X  
:  
SEAN SHAUGHNESSEY, individually and :  
on behalf of all others similarly situated, :

Plaintiffs, :

v. :

MERRILL LYNCH & CO., INC., :  
E. STANLEY O'NEAL, CAROL T. :  
CHRIST, ARMANDO M. CODINA, :  
VIRGIS W. COLBERT, JILL K. :  
CONWAY, ALBERTO CRIBIORE, :  
JOHN D. FINNEGAN, JUDITH :  
MAYHEW JONAS, DAVID K. :  
NEWBIGGING, AULANA L. PETERS, :  
JOSEPH W. PRUEHER, ANN N. REESE, :  
CHARLES O. ROSSOTTI, LOUIS :  
DIMARIA, PETER STINGI and JOHN :  
AND JANE DOES 1-20, :

Defendants. :

No. 07 Civ. 10710 (GEL)

-----X  
:  
BARBARA BOLAND, individually and :  
On behalf of all others similarly situated, :

Plaintiffs, :

v. :

MERRILL LYNCH & CO., INC., :  
E. STANLEY O'NEAL, CAROL T. :  
CHRIST, ARMANDO M. CODINA, :  
VIRGIS W. COLBERT, JILL K. :  
CONWAY, ALBERTO CRIBIORE, :  
JOHN D. FINNEGAN, JUDITH :  
MAYHEW JONAS, DAVID K. :  
NEWBIGGING, AULANA L. PETERS, :  
JOSEPH W. PRUEHER, ANN N. REESE, :  
CHARLES O. ROSSOTTI, LOUIS :  
DIMARIA, PETER STINGI and JOHN :  
AND JANE DOES 1-20, :

Defendants. :

No. 07 Civ. 11054 (MGC)

Plaintiff, Francis Lee Summers, III, by his counsel, hereby withdraws his motion (Docket No. 3) to appoint the undersigned as interim co-lead counsel. Plaintiff Summers has determined to strongly support the applications of Shalov Stone Bonner & Rocco LLP, and Harwood Feffer, LLP as co-lead counsel for the ERISA actions captioned above.

Plaintiff Summers believes that the interests of the putative class are best represented in this instance by all counsel working cooperatively under the leadership of these two firms.

Accordingly, Plaintiff respectfully withdraws his motion (Docket No. 3) to appoint the undersigned as interim co-lead counsel and supports the applications made by Shalov Stone Bonner & Rocco LLP, and Harwood Feffer, LLP.

DATED: February 11, 2008

Respectfully submitted,

By: 

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**CERTIFICATE OF SERVICE**

I, Carolyn Davila, hereby certify that on February 11, 2008, I caused the following documents to be served upon the persons/entities listed on the attached service list via electronic mail and the ECF filing rules:

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\_\_\_\_\_  
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